

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	CASE NO.: CR03-126-RSL
	)	
Plaintiff,	)	
	)	
v.	)	DETENTION ORDER
	)	
JAMES FRANK SIMMONDS,	)	
	)	
Defendant.	)	

Offense charged:

Possession of Marijuana with Intent to Distribute; Failure to Appeal

Date of Detention Hearing: September 13, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The defendant was indicted in this District on March 14, 2003 for possession of marijuana with intent to distribute. (Dkt. 9) He was released on an appearance bond under the supervision of Pretrial Services. (Dkt. 6 & 10) The defendant failed to appear at a status conference on May 15, 2003 and a bench warrant was issued. (Dkt. 20, 22) A Superseding

01 Indictment was issued on May 29, 2003, adding the charge of Failure to Appear. (Dkt 23, 24) The  
02 defendant was arrested in Canada on August 31, 2005 (Dkt. 34) and was arraigned on the  
03 Superceding Indictment on September 1, 2005, entering a plea of not guilty. (Dkt. 30)

04 (2) The defendant does not contest detention.

05 (3) The defendant poses a risk of nonappearance due to his failure to appear and  
06 absconder status. He poses a risk of danger based on the nature of the instant offense.

07 (4) There does not appear to be any condition or combination of conditions that will  
08 reasonably assure the defendant's appearance at future Court hearings while addressing the danger  
09 to other persons or the community.

10 It is therefore ORDERED:

11 (1) Defendant shall be detained pending trial and committed to the custody of the  
12 Attorney General for confinement in a correction facility separate, to the extent  
13 practicable, from persons awaiting or serving sentences or being held in custody  
14 pending appeal;

15 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
16 counsel;

17 (3) On order of a court of the United States or on request of an attorney for the  
18 Government, the person in charge of the corrections facility in which defendant is  
19 confined shall deliver the defendant to a United States Marshal for the purpose of  
20 an appearance in connection with a court proceeding; and

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01 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
02 counsel for the defendant, to the United States Marshal, and to the United States  
03 Pretrial Services Officer.

04 DATED this 13th day of September, 2005.

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07 Mary Alice Theiler  
08 United States Magistrate Judge  
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